

### **REMARKS**

Applicant respectfully requests reconsideration and allowance of the subject application. Claims 29-31 and 51 are amended. Claim 28 is canceled without prejudice. Claims 1-27, 29-49, and 51-52 are pending in this application.

#### **Allowed and Allowable Claims**

Claims 1-27, 32-49, and 52 stand allowed.

Claim 30 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. As part of this Response, claim 30 has been rewritten in independent form to incorporate the elements of its base claim (claim 28). Accordingly, Applicant respectfully submits that claim 30 is in condition for allowance.

#### **35 U.S.C. § 112**

Claim 51 stands rejected under 35 U.S.C. §112, second paragraph. Applicant respectfully disagrees with this rejection, and respectfully submits that claim 51 complies with 35 U.S.C. §112, second paragraph. However, in order to expedite issuance of the present application, claim 51 has been amended as suggested in the October 22, 2003 Office Action. These changes to claim 51 have been made to expedite issuance of the present application, and have not been made because Applicant agrees with this rejection of claim 51. These changes to claim 51 are not to be interpreted as Applicant agreeing with the rejection of claim 51.

Applicant respectfully requests that the §112 rejection be withdrawn.

### **35 U.S.C. § 102**

Claims 28-29 and 31 stand rejected under 35 U.S.C. §102(e) as being unpatentable over U.S. Patent No. 6,173,287 to Eberman et al. (hereinafter "Eberman"). Applicant respectfully disagrees with this rejection, and respectfully submits that claims 28-29 and 31 are not anticipated by Eberman. However, in order to expedite issuance of the present application, allowable claim 30 has been rewritten to incorporate the elements of claim 28, and claim 28 has been canceled. Claims 29 and 31 have been amended to depend from allowable claim 30. These changes to claims 28-31 have been made to expedite issuance of the present application, and have not been made because Applicant agrees with this rejection of claims 28-29 and 31. These changes to claims 28-31 are not to be interpreted as Applicant agreeing with the rejection of claims 28-29 and 31.

### **35 U.S.C. § 103**

Claims 28 and 31 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Applicant's Admitted Prior Art in Applicant's Specification at pages 2-3. Applicant respectfully disagrees with this rejection, and respectfully submits that claims 28 and 31 are not obvious over Applicant's Specification. However, in order to expedite issuance of the present application, allowable claim 30 has been rewritten to incorporate the elements of claim 28, and claim 28 has been canceled. Claim 31 has been amended to depend from allowable claim 30. These changes to claims 28, 30, and 31 have been made to expedite issuance of the present application, and have not been made because Applicant agrees with

this rejection of claims 28, 30, and 31. These changes to claims 28, 30, and 31 are not to be interpreted as Applicant agreeing with the rejection of claims 28 and 31.

**Comments on Statement of Reasons for Allowance**

The October 22, 2003 Office Action included, at ¶11, pp. 5-6, the following statement:

. . . the prior art fails to teach, in combination with the remaining elements: analyzing at least a portion of the media content to identify a likely temporal location of the media content to associate the new annotation with, and presenting the likely temporal location to the user via the user interface as recited in claim 30.

Applicant respectfully points out that not all of the allowed claims include this language, and this language is not to be read into all of the allowed claims. For example, multiple ones of the independent claims do not include this language, such as claims 1, 3, 12, and 16.

**Conclusion**

Claims 1-27, 29-49, and 51-52 are in condition for allowance. Applicant respectfully requests reconsideration and issuance of the subject application. Should any matter in this case remain unresolved, the undersigned attorney respectfully requests a telephone conference with the Examiner to resolve any such outstanding matter.

Respectfully Submitted,

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